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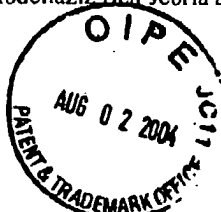
# **TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

In re Application of: David A. Edwards, Giovanni Caponetti, Jeffrey S. Hrkach, Noah Lotan,  
Justin Hanes, Abdellaziz Ben-Jebria and Robert S. Langer

Application No.: 10/090,418

Filed: March 1, 2002

Confirmation No.: 8180



For: AERODYNAMICALLY LIGHT PARTICLES FOR PULMONARY DRUG DELIVERY

The owner, Massachusetts Institute of Technology and The Penn State Research Foundation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 5,874,064; 5,855,913; 6,436,443; 5,985,309; 6,503,480; and 6,254,854. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

The undersigned is empowered to act on behalf of the owner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date 12/8/03

*Justin Hanes*  
Signature

Justin Hanes  
Typed or printed name

Massachusetts Institute of Technology

Date \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name

The Penn State Research Foundation



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STATEMENT UNDER 37 C.F.R. § 3.73(b)

Massachusetts Institute of Technology, a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A. ☒ the assignee, together with The Penn State Research Foundation, of the entire right, title and interest in the patent application(s)/patents identified in the attached Attachment A; or
- B. ☐ an assignee together with [ ] of the entire right, title and interest in the patent application identified above.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A. ☒ An assignment from the inventor(s) of the patent application(s)/patents identified in Attachment A. The assignment was recorded in the Patent and Trademark Office at the Reel(s) and Frame(s) indicated in Attachment A, or a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: To:  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.
2. From: To:  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.
3. From: To:  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: May 23, 2003

Name: Rita H. Filipowicz

Title: Patent Administrator

Signature: [Signature]



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Date \_\_\_\_\_

Date 11/4/03

\_\_\_\_\_  
Signature

Ronald J. Huss  
Signature

\_\_\_\_\_  
Typed or printed name

Ronald J. Huss  
\_\_\_\_\_  
Typed or printed name  
Director Intellectual  
Property Office

\_\_\_\_\_  
Massachusetts Institute of Technology

\_\_\_\_\_  
The Penn State Research Foundation



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(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

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- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: June 6, 2003

Name: Ronald J. Huss

Title: Director, Intellectual Property Office

Signature: Ronald J. Huss